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PATENT

Attorney Docket No.: SALK 2270-1
(088802-5202)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Evans et al.

Application No.: 09/227,718

Filing Date: January 8, 1999

For: NOVEL STEROID-ACTIVATED
NUCLEAR RECEPTORS AND USES
THEREFOR

Group Art Unit: 1631

Examiner: M. Woodward

CERTIFICATE OF FACSIMILE TRANSMISSION
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Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

We, Ronald M. Evans and Bruce Blumberg, being duly warned, hereby declare and say that:

1. I, Ronald M. Evans, am a citizen of the United States, residing in La Jolla, California.

2. I, Bruce Blumberg, am a citizen of the United States, residing in Irvine, California.

3. We are the sole co-inventors of the invention disclosed and claimed in the above-referenced application.

4. Working in collaboration in the laboratory of Ronald M. Evans at the Salk Institute, we isolated a full length steroid xenobiotic receptor (SXR) cDNA clone (hereafter referred to as "SXR clone") from a human liver cDNA library as described in Example 1 (page 43) of the above-referenced application.

5. Since its initial isolation, we have maintained continuous possession of SXR clone, which was initially stored under appropriate conditions in the laboratory of Ronald M. Evans at the Salk Institute.

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6. Following its isolation, we sequenced a representative sample of SXR clone in the laboratory of Ronald M. Evans at the Salk Institute. The nucleic acid and predicted amino acid sequences were presented in the above-referenced application (SEQ ID NO:1 and SEQ NO ID:2).

7. I, Bruce Blumberg, subsequently established a laboratory at the University of California at Irvine, and SXR clone was transported to and has been maintained in my laboratory, where it has been stored under appropriate conditions and remains to the present date.

8. I, Bruce Blumberg, in my laboratory at the University of California at Irvine, along with a graduate student under my supervision, recently obtained nucleic acid sequence information from SXR clone, which information is presented in the nucleic acid and amino acid sequences now published in GenBank and designated as Accession Number AY091855 (provided herewith as Exhibit A).

9. We believe that the events described in paragraphs 4 to 8 demonstrate an unbroken chain of possession and maintenance of SXR clone by us, Bruce Blumberg and Ronald M. Evans. Therefore, the sequences in the original application and published in GenBank (designated as Accession Number AY091855) are derived from the same material, *i.e.*, SXR clone. The minor variation between the sequences is attributed to inaccuracies in the earlier sequencing of the same SXR clone.

10. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

8/30/02
Date

8/12/2002
Date

Ronald M. Evans
Ronald M. Evans

Bruce Blumberg
Bruce Blumberg